

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
IN CLERK'S OFFICE

CASE NO. 04-10258NG

ARTHUR PERNOKAS AND
DIANNE PERNOKAS,
Plaintiffs

2004 MAY 26 P 1:31

U.S. DISTRICT COURT
DISTRICT OF MASS.

ANSWER AND JURY CLAIM OF
DEFENDANT, BARRIE PASTER, M.D.

VS.
BARRIE PASTER, M.D.,
Defendant

THE DEFENDANT, BARRIE PASTER, M.D., CLAIMS
A TRIAL BY JURY AS TO ALL ISSUES

First Defense

Parties

1. The defendant, Barrie Paster, M.D., neither admits nor denies the allegations of Paragraph No. 1 of plaintiffs' complaint because he is without knowledge or information sufficient to form a belief as to the truth of the said allegations.

2. The defendant, Barrie Paster, M.D., admits the allegations of Paragraph No. 2 of plaintiffs' complaint.

Jurisdiction and Venue

3. The defendant, Barrie Paster, M.D., neither admits nor denies the allegations of Paragraph No. 3 of plaintiffs' complaint because he is without knowledge or information sufficient to form a belief as to the truth of the said allegation.

4. The defendant, Barry Paster, M.D., admits that care was given to plaintiff in Amesbury, Massachusetts. The defendant denies there were any omissions in care.

Facts Common To All Counts

3. The defendant, Barry Paster, M.D., denies such allegations.

4. The defendant, Barry Paster, M.D., denies such allegations.

5. The defendant, Barry Paster, M.D., admits that at various times during and after the referenced dates, a doctor patient relationship existed.

6. The defendant, Barry Paster, M.D., denies such allegations.

7. The defendant, Barry Paster, M.D., denies such allegations.

8. The defendant, Barry Paster, M.D., denies such allegations.

9. The defendant, Barry Paster, M.D., denies such allegations.

10. The defendant, Barry Paster, M.D., denies such allegations.

11. The defendant, Barry Paster, M.D., denies such allegations.

12. The defendant, Barry Paster, M.D., denies such allegations.

Claims

13. The defendant, Barry Paster, M.D., denies such allegations.

14. The defendant, Barry Paster, M.D., denies such allegations.

Second Defense

And further answering, the defendant says that the injuries and damages alleged were not caused by the acts of any person for whose conduct the defendant was legally responsible.

Third Defense

And further answering, the defendant says that the injuries and damages alleged were caused in whole or in part by negligence of the plaintiff to a degree greater than any alleged negligence of the defendant.

WHEREFORE, the defendant, Barrie Paster, M.D., demands that the complaint be dismissed and that judgment enter in his favor together with costs.

MARTIN, MAGNUSON, McCARTHY
& KENNEY

Charles P. Reidy, III (SMF)

Charles P. Reidy, III
B.B.O. No. 415720
Attorney for Defendant,
Barrie Paster, M.D.
101 Merrimac Street
Boston, MA 02114
617-227-3240

CERTIFICATE OF SERVICE

I, Charles P. Reidy, III, attorney for defendant, Barrie Paster, M.D., hereby certify that on the 26th day of May, 2004, a copy of the above document was sent by mail, postage prepaid to Robert C. Gabler, Esquire, 100 Summer Street, Suite 3232, Boston, MA 02110.

Charles P. Reidy III (SME)

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